PARTNERS
ENVIRONMENTAL

June 29, 2006

Mr. Russell H. Fish
Project Manager
United States Environmental Protection Agency - Region III
Waste and Chemicals Management Division (3WC23)
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Re: Soil Management Environmental Work Plan Amendment
Former Viasystems Facility Redevelopment Project
4500 South Laburnum Avenue
Richmond, Virginia 23231

Dear Mr. Fish:

Partners Environmental Consulting, Inc. (Partners) is submitting this *Amendment* to the Soil Management Environmental Work Plan (EWP), dated May 8, 2006, to address various issues discussed during a meeting and conference call that took place on June 16, 2006. This *Amendment* addresses specific issues related to the proposed redevelopment of the former Viasystems facility located in Richmond, Virginia (Property).

The meeting was held at the U.S. Environmental Protection Agency (EPA), Region III offices in Philadelphia, Pennsylvania and was attended by Mr. Russell Fish of the U.S. EPA, Mr. Dan Brown of Partners, Mr. Steve Szewczyk of Forest City Commercial Development, Ms. Marianne Santarelli of Agere Systems, and Mr. Don Mayer of Earth Tech. Ms. Maria Williams and Mr. Mo Habibi with the Virginia Department of Environmental Quality (VDEQ), and Mr. John Blackman, Mr. Tim Scherer and Mr. Rick Vince of Partners, participated by telephone.

The main issues discussed during the meeting and conference call and addressed by this *Amendment* include the following:

1. Ms. Williams requested that we provide regulatory citations to demonstrate how soil that will be disturbed by the redevelopment activities will be managed in compliance with Virginia's Solid Waste regulations.

2. Mr. Fish stated that the use of composite samples during the pre-characterization activities was not likely to be acceptable to the U.S. EPA.

3. Mr. Fish stated that all volatile organic compounds (VOCs) detected in the pre-characterization soil samples should be compared to the U.S. EPA Region III Soil Screening Levels (SSLs), not just the four (4) chemicals of concern previously identified in groundwater at the Property.

4. Mr. Fish asked if the pre-characterization soil samples would be analyzed for any compounds other than VOCs.

The following sections provide a discussion of each item listed above.

Issue No. 1 – Management of Soil in Compliance With Virginia's Solid Waste Regulations

The EWP identified four (4) categories of soil that may be disturbed during redevelopment of the Property:

1. unregulated soil suitable for any purpose, if no chemicals of concern are detected;

2. if the levels of contamination are below the U.S. EPA Region III Soil Screening Levels (SSLs) for soil to groundwater migration, dilution attenuation factor (DAF) 20, the soil is suitable for use as fill material within the plume area;

3. soil with levels of contamination above the SSLs, but below the standards for characteristic hazardous waste. Soils that fall within this category would either be reconsolidated on-site in accordance with prescribed procedures (as described in **Section 1.4.2.10 of the EWP**) or would be disposed off-site as a solid waste; and

4. soil that is determined to be a characteristic hazardous waste if it fails the Toxicity Characteristic Leaching Procedure (TCLP) for VOCs or demonstrates the characteristics of ignitability, corrosivity or reactivity. Any soil that is determined to be a characteristic hazardous waste would be disposed off-site.

During the meeting, both the U.S. EPA and VDEQ concurred with the soil management practices described in the EWP for soil that falls into Category 1 (uncontaminated soil) or Category 4 (hazardous waste). The issues identified by VDEQ related to soil that falls into Category 2 (levels of contamination below SSLs) or Category 3 (levels of contamination above SSLs, but below hazardous waste levels).

Partners believes that Category 2 or Category 3 soil would **not** be considered a solid waste because it qualifies for one of the exclusions to the Commonwealth of Virginia Solid Waste Regulations detailed in Virginia Administrative Code (VAC) 9VAC20-80-150, which states "the materials described in this section are not solid wastes for the purposes of this chapter."

Exclusion 9 of VAC 20-80-150 (E)(2)(a)(4) states, **"Non-hazardous, contaminated soil which has been excavated as part of a construction project and which is used as backfill for the same excavation or excavations containing similar contaminants at the same site, at concentrations at the same level or higher. Excess materials from these projects are subject to the requirements of this chapter;"**

Category 2 Soil

Partners and Forest City believe Category 2 Soil meets the exclusion for the following reasons:

- The soil will be pre-characterized to demonstrate that it is non-hazardous (field work was completed on 6/29/06).

- The soil will be considered "contaminated" only if levels of any VOCs (and SVOCs for the former AST area) are present above detection limits.

- The soil should not leach contaminants to groundwater since VOC levels will be below SSLs established by the EPA.

- The soil will be excavated as part of a construction project (redevelopment of the Property).

- The soil will be used as backfill for the same excavation, or excavations containing similar contaminants at the same site, at concentrations at the same level or higher.

- If there is any excess soil that cannot be used as fill onsite, it will be disposed offsite as a solid waste in compliance with Virginia's Solid Waste Regulations.

During the redevelopment activities, soils will be excavated in several areas, foundations will be removed to depths below grade, utility trenches will be installed and other activities that could encounter impacted soil will be conducted. Due to these circumstances, soil excavations in the proposed cut areas depicted on the Mass Grading Plan included in the EWP will be considered the same excavation. Since soil will only be replaced within areas of previous industrial activity and within the footprint of the current area of groundwater impact, the soils in the excavation will be considered to have contaminants at the same concentration level or higher. Additionally, according to the redevelopment plan provided in the EWP, nearly the entire area where Category 2 soil may be placed will be covered with a cap consisting of either asphalt parking areas, building pads/foundations or at least two (2) feet of clean soil cover (in isolated greenspace areas). The Category 2 soils will also be placed at least four (4) feet above the groundwater table elevation.

Category 3 Soil

Partners and Forest City believe Category 3 Soil meets the exclusion for the following reasons:

- The soil will be pre-characterized to demonstrate that it is non-hazardous.

- The soil will be considered "contaminated" if levels of any VOCs (and SVOCs for the former AST area) are present above detection limits and SSLs, but below hazardous waste characteristics.

- The soil will be excavated as part of a construction project (redevelopment of the Property).

- The contaminated soil will be used as backfill for the same excavation, or excavations containing similar contaminants at the same site, at concentrations at the same level or higher.

- If there is any excess soil that cannot be used a fill onsite, it will be disposed offsite as a solid waste in compliance with Virginia's Solid Waste Regulations.

As stated in the EWP, soil with levels of contamination above SSLs, but below hazardous waste characteristics, will be used as fill within the footprint of one of three "areas of interest" identified in the Work Plan, or within a distance of 50 feet in the hydraulically down gradient direction of groundwater flow from the identified "areas of interest". The "areas of interest" are the areas where historic releases are known or suspected to have occurred and the levels of contaminants in the soil are expected to be the highest. Therefore, the concentrations of the excavated soil in the areas of interest will be the same level or higher as the Category 3 fill soil placed in these areas. In addition, these areas will be considered one excavation for the purpose of the EWP and as described above. As with the Category 2 soils, these Category 3 soils will be placed in locations that will be entirely covered by asphalt parking lots or at least two (2) feet of clean soil in isolated greenspace areas. The Category 3 soil will also be placed at least four (4) feet above the groundwater table elevation.

Issue No. 2 – Analysis of Composite Samples During Pre-Characterization Activities

Soil samples collected during pre-characterization activities will **not** be composited as discussed in the EWP. Soil samples will be collected at 4-foot intervals from the ground surface continuously to the terminal depth of each boring. Soil samples from every 4-foot interval will be screened with a photoionization detector (PID) with an 11.7eV lamp and select samples will be submitted for laboratory

analysis. In other locations of the site that are outside the "area of interest", soil samples that exhibit the highest PID reading, staining, chemical odor or other indicators of contamination will be submitted for laboratory analysis.

Issue No. 3 – Comparison of Detected Concentrations to SSLs

The pre-characterization soil samples will be analyzed for VOCs by SW846, Method 8260. All 8260 list VOCs that are detected will be compared to the EPA Region III Soil Screening Levels (SSLs) for soil to groundwater migration (DAF 20).

Issue No. 4 – Analysis of Pre-Characterization Samples for Other Constituents

Since the U.S. EPA only identified four (4) VOCs as contaminants of concern at the Property, the EWP focused on VOC contamination. However, Partners notes that residual petroleum contamination may be present in the "area of interest" near the former 500,000 gallon AST. To address the potential for petroleum contamination near the former AST, soil samples collected during pre-characterization activities in this area will be submitted for analysis of PAHs by SW846, Method 8270. Any PAHs that are detected will be compared to the EPA Region III Soil Screening Levels (SSLs) for soil to groundwater migration, dilution attenuation factor (DAF) 20. In addition, select soil samples collected from this area will also be submitted for analysis of TCLP SVOCs for hazardous waste characterization purposes.

Closing

We trust that the information contained in this letter satisfactorily addresses all of your concerns. Partners and Forest City respectfully request your concurrence with this *Amendment* and your expeditious approval of the previously submitted EWP.

If you have any questions about the information presented in this *Amendment*, please contact our office at 440-248-6005.

Sincerely,
Partners Environmental Consulting, Inc.

Richard D. Vince
Environmental Scientist

Dan B. Brown, CPG
President

cc: Maria Williams, VDEQ
Mo Habibi, VDEQ
Robert Timmons, VDEQ
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